

### **REMARKS**

The enclosed is responsive to the Examiner's Office Action mailed on March 30, 2011. At the time the Examiner mailed the Office Action claims 1-29 were pending. By way of the present response the Applicants have: 1) amended claims 1, 13, 17, 18, 24 and 26-29; 2) added no new claims; and 3) canceled claims 15, 16 and 25. As such, claims 1-14, 17-24, and 26-29 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now represented.

### **Drawings**

The drawings are objected to because the reference numbers "512", "514", and "518" in Fig. 5 are missing descriptive labels. Applicants have amended Figure 5 to have descriptive labels. No new matter was introduced by these changes.

### **Specification Objections**

The Office Action objected to paragraphs 36 and 37 as not being labeled properly. However, Applicants believe that the numbering used is consistent with the actions taken in the figure. As such, no amendments to the specification have been made.

### **Claim Objections**

Claims 24-29 are objected to because of the incorrect use of complementary. Applicants have fixed this typographical error.

## **Claim Rejections**

### **35 U.S.C. 112 Rejections**

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully disagree with these rejections and are not making any amendments to these claims to address the perceived issues set forth in the Office Action.

### **35 U.S.C. 101 Rejections**

Claims 18-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended claim 18 to include “non-transitory” as suggested by the Office Action.

### **35 U.S.C. 102(e) Rejections**

Claims 1-6, 9, 10, 13, 15-22, 24 and 25 stand rejected under 35 U.S.C. 102(e) as being anticipated by Rothman, et al., U.S. Publication 2004/0123093 (hereinafter “Rothman”).

With respect to claim 1, Rothman does not appear to describe:

storing a firmware binary file in an extension area of a non-volatile storage device of a computer system, wherein the non-volatile storage device includes a shared area to provide communication between the extension area and a Basic Input/Output System (BIOS); and  
enabling BIOS of the computer system to access the stored firmware binary file by making the stored firmware binary file in the extension area visible to the BIOS.

Applicants do not believe that there is a “shared area” in the cited passage of Rothman. The hardware information 304 of memory 204 includes “information such as memory address ...where information may be found to be able to communicate with the various components.” However, the Office Action appears to equate the extension and shared area as being the same thing.

Additionally, there does not appear to be a discussion in the cited passages for making an extension area visible to a BIOS.

Accordingly, the cited passages of Rothman do not appear to describe claim 1. Claims 2-12 are dependent on claim 1 and are allowable for at least this rationale.

The other independent claims have similar limitations and are allowable for a similar rationale. The claims dependent off of those claims are also allowable.

#### 35 U.S.C. 103(a) Rejections

Claims 7, 11, 12, 14, 23 and 26-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rothman, et al., U.S. Publication 2004/0123093 (hereinafter "Rothman") in view of Zimmer, U.S. Publication 2003/0097581 (hereinafter "Zimmer"). Claims 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Rothman as applied to claim 7 above, and further in view of Zimmer, et al., U.S. Publication 2003/0188173 (hereinafter "Zimmer '173").

These claims are dependent on allowable independent claims.

In light of the comments above, the Applicants respectfully request the allowance of all claims.

### CONCLUSION

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact David F. Nicholson at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 8/1/11

/David F. Nicholson/

David F. Nicholson

Reg. No.: 62,888

1279 Oakmead Parkway  
Sunnyvale, CA 94085  
(408) 720-8300